

~~SECRET~~  
OGC Has Reviewed

GENERAL COUNSEL'S OPINION NUMBER 53-1, DATED 29 OCTOBER 1953

Leave in the United States taken for personal convenience by an employee permanently stationed abroad does not constitute a break in continuous service abroad.

TO THE EXECUTIVE OFFICER, DD/A:

1. This will acknowledge receipt of your memorandum of 21 October 1953 raising the question whether legally CIA may permit an individual to take leave in the United States for his own personal convenience without such leave breaking continuity of service.

2. The subject of leave without pay as affecting the concept of continuous service abroad has been the subject of two recent opinions of this office holding that leave without pay taken under emergency conditions in the United States, or for the personal convenience of the employee in the field, would not constitute a break in continuous service abroad. We are also of the opinion that leave in the United States for the personal convenience of the employee, taken either as leave without pay or as annual leave, would not constitute a break in continuous service. We would, therefore, answer the specific question raised in paragraph 2 of your memorandum in the affirmative.

3. This opinion has been informally concurred in by the General Accounting Office.

LAWRENCE R. HOUSTON  
General Counsel